

Regular Session, 2012

HOUSE BILL NO. 1209 (Substitute for House Bill No. 312 by Representative Richard)

BY REPRESENTATIVES RICHARD, ADAMS, ARNOLD, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROADWATER, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, COX, DIXON, EDWARDS, GAINES, GISCLAIR, GUILLORY, HOLLIS, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JONES, LEGER, LIGI, MORENO, PIERRE, PRICE, REYNOLDS, SHADOIN, SMITH, ST. GERMAIN, THIBAUT, THIERRY, THOMPSON, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

STUDENT/SCH ATTENDANCE: Provides relative to alternative education programs for suspended or expelled students

1 AN ACT

2 To amend and reenact R.S. 17:416(A)(2)(c) and 416.2(A) and (D) and to repeal R.S.
3 17:416.2(B) and (F), relative to students suspended or expelled from school; to
4 provide relative to placement of students in alternative education programs; to
5 require attendance of students placed in alternative schools or alternative education
6 programs; to require parents, tutors, and guardians of the students to assure
7 attendance, and to provide for enforcement and penalties for violations; to provide
8 relative to such programs, including provisions for agreements for provision of
9 education services to certain students; to remove the exclusion of certain students
10 from the requirement for supervision of expelled and suspended students; to repeal
11 provisions relative to waivers from a requirement for alternative education programs
12 and provisions prohibiting return of certain students to alternative education
13 programs; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:416(A)(2)(c) and 416.2(A) and (D) are hereby amended and
16 reenacted to read as follows:

§416. Discipline of pupils; suspension; expulsion

A.

* * *

(2) As used in this Section:

* * *

(c) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section, ~~an expulsion~~ "expulsion" shall be defined as a removal from all regular school settings for a period of not less than one school semester. ~~during which time~~ During an expulsion the city, parish, or other local public school board superintendent shall place the pupil in an alternative school or in an alternative ~~school setting~~ educational placement.

* * *

§416.2. Supervision of suspended or expelled students; alternative education programs

A.(1) Any student suspended or expelled from school pursuant to the provisions of R.S. 17:416, ~~other than a student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2)~~, shall remain under the supervision of the governing authority of the city, parish, or other local public school system taking such action using alternative education programs for suspended and expelled students. Alternative education programs of any local public school shall be approved by the State Board of Elementary and Secondary Education; however, no school system shall be liable for any student attending an alternative education program at a location other than a school site.

(2) A student expelled pursuant to the provisions of R.S. 17:416(B) and (C)(2) may ~~only~~ be readmitted only to a city, parish, or other local public school; ~~including an alternative education program~~, in the school system from which he was expelled prior to the completion of the specified period of expulsion, in accordance with the provisions of R.S. 17:416(C)(2)(d).

(3)(a) Any student placed in an alternative school or an alternative education program, including but not limited to any student receiving education services pursuant to an agreement subject to Paragraph (D)(2) of this Section, shall attend and participate in such school, program, or education services.

(b) The parent, tutor, or legal guardian of any such student shall ensure attendance as required by this Paragraph and any violation of this Subparagraph shall be subject to the provisions of R.S. 17:221(A)(2) and (3).

(c) Visiting teachers or supervisors of child welfare and attendance, with the approval of the superintendent of the local public school system, shall file proceedings in court to enforce the provisions of this Paragraph.

* * *

D.(1) The State Board of Elementary and Secondary Education shall adopt the necessary rules and regulations to provide for the implementation of the provisions of this Section.

(2) Such rules and regulations shall include provisions for cases in which a school governing authority enters into an agreement with an education service provider for the education of a student who meets any of the following criteria:

(a) Has been adjudicated delinquent by a court having juvenile jurisdiction
as defined in Article 302 of the Louisiana Children's Code.

(b) Has been adjudicated by a court as a member of a family in need of
services.

(c) Is in the custody of the office of juvenile justice as a result of an adjudication and is assigned by the office of juvenile justice to a community-based program or facility.

(d) Is a student who has been suspended or expelled pursuant to the provisions of R.S. 17:416(B) or (C)(2).

(3) Rules and regulations pursuant to Paragraph (2) of this Subsection shall
include all of the following:

1 (a) Such services shall be provided to the school governing authority at the
2 actual costs incurred by the provider, not to exceed for each student the pro rata share
3 of the combined state and local per pupil amount of the minimum foundation
4 program for such governing authority.

5 (b) In an effort to support the on-time graduation of students who are
6 suspended, expelled, or at high risk for drop out or entry into the juvenile justice
7 system, academic, behavioral, and mental health interventions must be provided.
8 Interventions offered shall include but not be limited to the following:

9 (i) Academic interventions and supports:

10 (aa) Targeted academic interventions focused on assessed needs in math and
11 reading using an evidence-based and research-supported curriculum.

12 (bb) Use of validated monthly assessments to monitor individual student
13 academic progress.

14 (cc) Implementation of research-supported instructional strategies such as
15 differentiated instruction, experiential education, project-based learning, and
16 computer-assisted instruction to support assessed needs and content mastery.

17 (dd) Opportunities to participate in credit recovery to support progression
18 towards on-time graduation.

19 (ee) On-site access to at least one career or vocational certification option.

20 (ii) Behavioral interventions and supports:

21 (aa) Positive behavioral supports with a high ratio of positive reinforcement
22 over punishment.

23 (bb) Behavioral shaping steps aligned to assessed behavioral needs and
24 goals.

25 (cc) Mentoring and frequent behavioral feedback focused on individualized
26 shaping steps for students enrolled.

27 (dd) Successive approximations and reinforcements to develop more
28 complex social behaviors.

29 (iii) Mental health interventions and supports:

(aa) Evidence-based cognitive behavioral interventions to address, anger, impulsivity, and aggression.

(bb) Interventions to address past childhood traumas, including forms of abuse and neglect, being a victim of or a witness to violence, and involvement in natural disasters.

(cc) Interventions to address substance use and to prevent substance abuse.

(dd) Interventions to build life skills and social skills in order to increase employability and success in the community.

(4) Nothing in this Section shall prevent any nonprofit organization that provides alternative education services to a school governing authority from applying to operate a charter school pursuant to R.S. 17:3983.

(5) The governing authority of a Type 5 charter school shall receive approval from the superintendent of the Recovery School District before entering into an agreement with an educational service provider for alternative education services pursuant to the provisions of this Section, and any such agreement shall not be subject to the provisions of Subparagraph (3)(a) of this Subsection.

(6) Any agreement in effect on the effective date of this Paragraph and any prospective agreement between the Recovery School District and an educational service provider for alternative education shall not be subject to Subparagraph (3)(a) of this Subsection, but shall be approved by the state superintendent of education.

* * *

Section 2. R.S. 17:416.2(B) and (F) are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richard

HB No. 1209

Abstract: Provides relative to alternative education programs for students suspended or expelled from school, including provisions for agreements for education services to students adjudicated delinquent or in need of services, students in the custody of the office of juvenile justice and assigned to a community-based program or facility, or students suspended or expelled for certain weapons or drug violations. Requires attendance by students placed in alternative education and provides for enforcement and penalties for violations.

Present law (R.S. 17:416) provides relative to discipline of students. Defines an expulsion, for purposes of present law and with certain exceptions, as a removal from all regular school settings for a period of not less than one school semester, during which time the local public school board shall place the pupil in an alternative school or in an alternative school setting.

Proposed law retains present law except provides that the superintendent (instead of the school board) shall place the expelled student in a alternative school or an alternative educational placement (instead of an alternative school setting).

Present law provides that alternative education programs may mean programs designed to offer variations of traditional instructional programs and strategies to increase the likelihood that students who are unmotivated or unsuccessful in traditional programs or who are disruptive in the traditional school environment remain in school and obtain a high school diploma. Provides that such programs may include but are not limited to programs that hold students to strict standards of behavior in highly structured and controlled environments, sometimes referred to as "boot camps", "police schools", or "court schools".

Present law (R.S. 17:416.2) requires local school system governing authorities to supervise a student suspended or expelled from school using alternative education programs approved by the State Board of Elementary and Secondary Education (BESE). Excludes students expelled for certain offenses involving weapons or controlled dangerous substances from this requirement. Provides that a student expelled for certain weapons and controlled dangerous substance offenses may be readmitted only to a school, including an alternative education program, in the school system from which expelled prior to completion of his expulsion period in accordance with present law procedures (R.S. 17:416(C)(2)(d)). Specifies that no school system shall be liable for a student attending an alternative education program at a location other than a school site.

Proposed law retains present law except:

- (1) Removes the exclusion for students expelled for weapon and controlled dangerous substances offenses from the requirement for supervision using alternative education programs.
- (2) Removes specific inclusion of alternative education programs in provision for readmission only to the school system from which the student was expelled.

Proposed law requires any student placed in an alternative school or an alternative education program to attend and participate in such school, program, or education services. Includes specifically any student receiving education services pursuant to an agreement for provision of education services as described in proposed law below. Requires the parent, tutor, or

legal guardian of a student in an alternative school or an alternative education program to ensure such attendance and makes any violation subject to present law penalties relative to compulsory school attendance (R.S. 17:221(A)(2) and (3)). Requires visiting teachers or supervisors of child welfare and attendance, with the approval of the superintendent of the local public school system, to file proceedings in court to enforce proposed law.

Present law requires BESE to adopt rules and regulations to implement present law.

Proposed law additionally requires that such rules and regulations include provisions for cases in which a school governing authority enters into an agreement with an education service provider for the education of students who have been adjudicated delinquent or as a member of a family in need of services, or are in the custody of the office of juvenile justice as a result of such an adjudication and assigned by the office to a community-based program or facility, or are students who have been suspended or expelled for certain weapons and controlled dangerous substances offenses. Requires that such rules and regulations include all of the following:

- (1) Require that such services be provided to the school governing authority at the actual costs incurred by the provider, not to exceed for each student the pro rata share of the combined state and local per pupil amount of the minimum foundation program for such governing authority.
- (2) Require provision of academic, behavioral, and mental health interventions to support the on-time graduation of students who are suspended, expelled, or at high risk for drop out or entry into the juvenile justice system, including but not limited to specified interventions and supports of each of the three types.

Proposed law specifies that it shall not prevent any nonprofit organization that provides alternative education services to a school governing authority from applying to operate a charter school pursuant to R.S. 17:3983.

Proposed law requires that the governing authority of a Type 5 charter school receive approval from the superintendent of the Recovery School District (RSD) before entering into an agreement with an educational service provider for alternative education services pursuant to proposed law and provides that any such agreement shall not be subject to proposed law relative to providing services at actual cost (see (1) above).

Proposed law provides that agreements in effect on the effective date of proposed law and prospective agreements between the RSD and an educational service provider for alternative education shall not be subject to proposed law relative to providing services at actual cost (see (1) above) but shall be approved by the state superintendent of education.

Present law includes procedures for a school system to obtain a waiver from requirements for providing for alternative education programs but prohibits applications for such waivers beginning with the 2008-2009 school year.

Proposed law repeals present law.

Present law requires that any expelled student attending an alternative education program and exhibiting disorderly conduct shall be dismissed from the alternative education program and shall not be permitted to return to the alternative education program until his period of expulsion has ended.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:416(A)(2)(c) and 416.2(A) and (D); Repeals R.S. 17:416.2(B) and (F))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Adds attendance requirement for students placed in alternative schools or alternative education programs and provisions for enforcement and penalties for violations.